



**Town of New Lebanon  
Zoning Board of Appeals Minutes – unapproved  
September 2, 2025**

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**Present:** Anthony Murad , Zoning Board of Appeals Chairperson  
Ted Salem, Zoning Board of Appeals Member & Interim Chair  
Chuck Gerald, Zoning Board of Appeals Member  
Sharon Powers, Zoning Board of Appeals Member  
Meghan Knoll, Zoning Board of Appeals Member

**Others Present:** Joshua Young, Elizabeth Brutsch, Bonnie Lichak, Amy Brueckmann,  
Stephanie Ferradino (Town Attorney), Joanne Amlaw, Peg Munves,  
Alicia Legland (Applicant Attorney), Anna Duhon, Melissa Franceour,  
Bob Gilson

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**I. Call to order:**

Interim Chairman Salem called the meeting of the Zoning Board of Appeals to order at 7:00PM.

**II. Minutes review:**

Upon review of minutes from August 13<sup>th</sup>, 2025 (Special Meeting and Public Hearing) a motion to approve the minutes as drafted by Board Member Knoll and seconded by Board Member Powers and carried to the following vote:

Interim Chairman Salem – Aye  
Board Member Powers – Aye  
Board Member Knoll – Aye  
Board Member Gerald - Aye

**III. Regular Meeting/Case Review:**

**Case # PB-2025-011 – Area Variance – Tilden Project LLC (TM# 19.2-1-69)**

Applicants are seeking an Area Variance approval for relief from 205-13(2)(e) to construct a mixed-use building, containing commercial space and forty-one (41) residential units.

Additional Board discussion continued after the closure of the public hearing. The applicant was invited to respond to questions that were sent from the Board for additional discussion. The items of concern from the Board are as follows:

**A) Occupancy** – The relevant memo from Homes and Community Renewal (HCR), indicating that the maximum occupants in a one-bedroom apartment would be three people and a maximum of five people in a two-bedroom apartment. The Board requested information if there are exceptions for any infants/young children, et cetera, no relevant memorandum could be found. The applicants indicated that theoretical maximum would be 163 people, though the applicants indicated that they are anticipating a maximum of 86 people. Board Members inquired if there was to be a full-time property manager and if HCR has infrastructure included to assist in emergency situations and property management, both of which the applicant responded affirmatively.



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**B) Case Studies** – Mr. Young indicated that a few similar case studies were found. Samples were provided from Trumansburg, Malone and Richmondville, New York. All applicable town representatives indicated that complexes of this size have not had any negative impacts on the community at large.

The Applicant's attorney, Alicia Legland, opened the discussion regarding the New Lebanon Central School District's (NLCSD) letter to the Board, dated August 29, 2025 regarding General Municipal Law (GML) and conflicts of interest. Ms. Legland indicated that the GML sections referenced are inapplicable in this instance, as the GML sections prohibit a Board Member for representing an applicant in front of the Board for where they sit.

The Board then opened the discussion regarding the current stance of where the Board currently stands on the variance application. The Board again reiterated that the application decision cannot be made until the Planning Board has reviewed SEQRA (of which the Board is functioning under the assumption the Planning Board has issued a Negative Declaration) and they are only examining the impacts on the following five standards as it pertains to the variance application only:

**1) Undesirable Change to the Neighborhood** – Interim Chair Salem indicated the addition of 1400 square feet OR 13 apartments isn't a material change in the zoning and is leaning towards a positive vote. He is hopeful about the potential economic and social benefits and acknowledges a lack of definitive evidence. He also stated that he appreciates the responsiveness of the applicant. Board Member Knoll agreed with Interim Chair Salem's comments noting the applicant's efforts to keep the building scale on the smaller size, despite zoning allowances for a much larger structure. Board Member Knoll stated that she believes the project will be of economic benefit citing the County Planning Board's similar assessment and that she is roughly leaning towards a positive vote. Board Member Geraldini indicated that he believes that this would be a negative, undesirable change due to the proposed size of the project in comparison to surrounding residences and businesses. Board Member Powers indicated that she appreciates the Applicant's responsiveness to the Board concerns and indicates she does not see this as an undesirable change to the neighborhood.

**2) Feasible Alternatives** – Interim Chair Salem indicated that while evidence of other funding alternatives has not been presented to the Board, he indicated that he was sure alternatives to developing the project had been researched and other funding sources were just simply not available for this type of project. Interim Chairman Salem also noted that the applicant was seeking to achieve a very specific benefit - affordable housing - which constrained available financing and therefore alternatives to achieve that benefit. Board Member Knoll indicated that she has researched this particular aspect after seeing responses due to some public comments received. She indicated in the last three years, state funding records indicated that only one project would not have required a variance – the vast majority would be 50 plus units. The applicant's willingness to change to a maximum of two-bedroom units after concerns were raised regarding occupancy with a three-bedroom unit helped to sway her decision to the affirmative. Board Members Geraldini and Powers had no further comments on this factor.



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**3) Substantiality** – Interim Chair Salem indicated that the increase in 1400 square feet or 13 additional apartments, is not substantial enough to decline the applicants request for this variance and is aligned with the town’s comprehensive plan. He indicated that public comments received from the New Lebanon Central School District cannot be under the purview of the Board, as the impact on the school district does not pertain to the variance application. Board Member Geraldi indicated his disagreement with Interim Chair Salem’s comments regarding the school district, as substantiality does pertain to density which could impact the school district. Board Member Knoll indicated that her major concerns regarding substantiality applies to wastewater runoff and the effect on neighboring wells. Under this scenario, Board Member Knoll indicated that should a negative declaration be issued by the Town of New Lebanon Planning Board, she would support the approval of this variance request. Board Member Powers had no additional comments.

**4) Adverse Impact Effect** – The Board has again indicated that they will defer to the Planning Board as lead agency, but under this scenario would assume a positive on this factor for the time being.

**5) Self-Imposed Hardship** – Interim Chair Salem indicated that the applicant’s decision to build affordable housing instead of any other alternative is indeed a self-imposed hardship. Board Member Knoll agreed that awareness of the zoning code when purchasing the lot constitutes a self-imposed hardship, if the original intent when purchasing said lot was to construct affordable housing. Board Member Geraldi affirmed his comments would match those of Interim Chair Salem. Board Member Powers had no additional comments.

The Board indicated to the applicant, that as things stands at the conclusion of the meeting the unofficial vote would be three affirmative and one undecided vote. Interim Chair indicated that until the Planning Board rules on SEQRA, an official deciding meeting could not be held. The Board did recommend a twenty-four-hour hotline to report concerns at the project with the applicant agreed was an idea they are willing to look into.

Board Member Geraldi mentioned the requirement of making a final determination on the application now that the public hearing on this application has been closed. What will occur if the Planning Board does not have a declaration made in that timeframe? Ms. Legland indicated the applicants would have a better handle on where the application with the Planning Board stood after the next scheduled Planning Board Meeting. A motion was made by Board Member Geraldi to re-open the public hearing, however the motion was not voted on as the Applicant verbally consented to waive the 62-day requirement.

**IV. Adjournment**

A motion was made by Board Member Geraldi to close the regular meeting, seconded by Board Member Knoll and the motion was carried by the following vote:

- Interim Chair Salem – Aye
- Board Member Geraldi – Aye
- Board Member Knoll – Aye
- Board Member Powers – Aye

Interim Chair Salem called the regular meeting to close at 8:10PM.



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Respectfully submitted,  
Courtney Potter - Planning/Zoning Clerk